

<b>Notice of Allowability</b>	<b>Application No.</b> 09/408,068 <b>Examiner</b> Drew E Becker	<b>Applicant(s)</b> SHEALY, ROGER <b>Art Unit</b> 1761
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed August 21, 2003.
  2.  The allowed claim(s) is/are 8-10, 12-24, 26 and 27.
  3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All b)  Some\* c)  None of the:
      1.  Certified copies of the priority documents have been received.
      2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
    - (a)  The translation of the foreign language provisional application has been received.
  6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.
7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  8.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
    - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
    - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                         |                                                                                   |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. _____. | <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|                                                                                                         | <input type="checkbox"/> Other                                                    |

Drew E Becker  
Examiner  
Art Unit: 1761

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ryan Schneider on November 21, 2003.

The application has been amended as follows:

Cancel claims 11 and 25.

Claim 8, line 11 after " $T_{c+1}$ " insert --; wherein  $T_n$  is the reference temperature of the cooking medium, the controller compensating for the introduction of a new cooking medium by adjusting the cooking cycle temperature  $T_c$  for each cooking cycle to be greater than or equal to the reference temperature  $T_n$ ,

wherein the cooking cycles  $c$  from 1 to 30, the difference between  $T_1$  and  $T_{30}$  is a temperature beginning at approximately 10°F over  $T_n$  and falling to approximately 3°F over  $T_n$ --.

Claim 12, line 1 delete "11" and insert --8--.

Claim 13, line 1 delete "11" and insert --8--.

Claim 24, line 10 after "multiplier" insert --; wherein the non-linear cooking compensation multiplier is the formula A raised to the power  $((Bx\Delta\text{TEMPERATURE})/C)$ ; where A is approximately 1.41421;

where B is 2;

where C is an exponential growth factor constant related to the particular food item;

and where  $\Delta_{\text{TEMPERATURE}}$  is the product reference temperature – the sensed cooking medium temperature--.

Claim 26, line 1 delete "25" and insert -24--.

Claim 27, line 1 delete "25" and insert -24--.

#### ***Allowable Subject Matter***

1. Claims 8-10, 12-24, and 26-27 are allowed.

The following is an examiner's statement of reasons for allowance: the method of cooking of independent claim 8 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious heating the cooking medium to  $T_c$  and using a controller to control the heating through cooking cycles wherein  $T_c$  is greater than  $T_{c+1}$ , wherein  $T_n$  is the reference temperature of the cooking medium, the controller compensating for the introduction of a new cooking medium by adjusting the cooking cycle temperature  $T_c$  for each cooking cycle to be greater than or equal to the reference temperature  $T_n$ , wherein the cooking cycles  $c$  from 1 to 30, the difference between  $T_1$  and  $T_{30}$  is a temperature beginning at approximately 10°F over  $T_n$  and falling to approximately 3°F over  $T_n$ ;

the method of cooking of independent claim 14 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious heating the

cooking medium to  $T_c$  and using a controller to control the heating through cooking cycles wherein  $T_c$  is greater than  $T_{c+1}$ , wherein  $T_n$  is the reference temperature of the cooking medium, the controller compensating for the introduction of a new cooking medium by adjusting the cooking cycle temperature  $T_c$  for each cooking cycle to be greater than or equal to the reference temperature  $T_n$ , wherein for cooking cycles  $c$  from 1 to 29, the difference between  $T_1$  and  $T_{29}$  is a temperature beginning at approximately 15°F over  $T_n$  and falling to approximately 4°F over  $T_n$ , wherein for cooking cycles  $c$  from 30 to 99, the difference between  $T_{30}$  and  $T_{99}$  is a temperature beginning at approximately 3°F over  $T_n$  and falling to approximately 2°F over  $T_n$ , wherein for cooking cycles  $c$  from 100 to 1000, the difference between  $T_{100}$  and  $T_{1000}$  is a temperature beginning at approximately 2°F over  $T_n$  and falling to approximately 0°F over  $T_n$ ;

the method of independent claim 15 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious heating the cooking medium to  $T_{desired}$  plus a stratification offset; the method of independent claim 21 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious setting a predetermined cooking medium temperature drop rate, sensing the cooking medium for temperature drop rates, starting the cook cycle if the predetermined temperature drop rate is found or reviewing the sensed cooking medium temperature drop rates for a second amount of time if it is not found;

the method of cooking of independent claim 24 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious determining an actual cook time by adjusting the initial cook time, with the actual cook time being the

initial cook time multiplied by a non-linear cooking compensation multiplier, wherein the non-linear cooking compensation multiplier is the formula A raised to the power  $((B \times \Delta_{\text{TEMPERATURE}})/C)$ ;

where A is approximately 1.41421;

where B is 2;

where C is an exponential growth factor constant related to the particular food item;

and where  $\Delta_{\text{TEMPERATURE}}$  is the product reference temperature – the sensed cooking medium temperature.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.



Drew E Becker  
Examiner  
Art Unit 1761